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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,231	12/01/2003	Gary Kiwimagi	CVN.015.USP	3725

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EXAMINER
ALMEIDA, DEVIN E

ART UNIT	PAPER NUMBER
2132	

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07/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/726,231	KIWIMAGI ET AL.
	Examiner	**Art Unit**	
	Devin Almeida	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after t he mailing date of this communication, even if timely filed, may re duce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *5/28/2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the papers filed 5/28/2007. No amendments for the claims

were filed. Currently claims 1-20 are under consideration.

Response to Arguments

Applicant's arguments with respect to 35 U.S.C 101 have been fully considered and are

not persuasive. The replacement paragraph still includes content downloaded from a secure

network connection. Examiner suggest amending the claim to read "a storage medium encoding

a computer program for executing on a computer system a computer process". Since in the

specification on old paragraph 0006 teaches that there is a difference between computer program

product and computer program storage medium. A computer program product includes computer

program storage medium and content downloaded from a secure network connection. While

computer program storage medium includes only a storage medium storing a computer program.

Applicant's arguments with respect to prior art have been fully considered and are moot

in view of new grounds of rejections.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 6-10 are rejected under 35 U.S.C. 101 because the claim invention is directed to

non-statutory subject matter. The "computer program product," may be " a computer data signal

embodied in a carrier wave by a computing system and encoding the computer program to

establish a secure connection" according to the old paragraph 0006 of the specification and the

"computer program product," may be " a computer product may be provided by encoding the

computer program to establish a secure connection" according to the new paragraph 0006 of the specification. This subject matter is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter. Note for further clarification of the claims please refer to MPEP 2163.07.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Alegre et al (U.S. Patent 6,199,113). Alegre teaches with respect to claims 1 and 6, a method comprising: providing a network address (see column 4 lines 32-67 i.e. Web host 210 also sends trusted network access presentation information to client browser 110, and The user selects an access request from the trusted network access presentation information to access trusted network 138. Client browser 110 sends the request, for example a URL associated with the selection) for a system host (see figure 2 trusted network) to a remote client (see figure 2 element 110) if security credentials for the remote client satisfy at least one condition for accessing the system host (see column 4 lines 32-67); and verifying the remote client is authorized to access the system host in response to a request from the system host to verify the remote client (see column 4 lines 55-67).

With respect to claims 2 and 7, granting the remote client a security key with the network address (see column 4 lines 32-47 i.e. session key); and evaluating the security key when it is received from the system host to verify that the remote client is authorized to access the system host (see column 4 lines 32-67).

With respect to claims 3 and 8, requiring the remote client present the system host with a valid security key to verify that the remote client is authorized to access the system host (see column 4 lines 32-67).

With respect to claims 4 and 9, requiring the remote client timely present the system host with a security key to verify that the remote client is authorized to access the system host (see column 4 lines 32-42 i.e. Key server 234 creates a unique and unpredictable session key, and stores the session key, the UID, the PWD, and key expiration criteria in key database 236).

With respect to claims 5 and 10, receiving the network address from the system host (see figure 2 element 210 web host and (see column 4 lines 32-67 i.e. Web host 210 also sends trusted network access presentation information to client browser 110, and The user selects an access request from the trusted network access presentation information to access trusted network 138. Client browser 110 sends the request, for example a URL associated with the selection).

With respect to claims 11, a system comprising: an authorization module receiving a request from a remote client to access a system host (see column 4 lines 17-24 i.e. When the user wants to access trusted network 138, the user sends a request from client browser 110, over Internet 114 and DMZ network 122, to web host 210), the authorization module providing the remote client with a network address of the system host (see column 4 lines 32-67 i.e. Web host 210 also sends trusted network access presentation information to client browser 110, and The user selects an access request from the trusted network access presentation information to access trusted network 138. Client

browser 110 sends the request, for example a URL associated with the selection) if the remote client

is authorized to access the system host (see column 4 lines 32-67); a verification module receiving a

request from the system host to verify that the remote client is authorized to access the system host

before granting the remote client access to the system host (see column 4 lines 32-67).

With respect to claims 12, a security key provided to the remote client if the remote client is

authorized to access the system host (see column 4 lines 32-67 i.e. session key).

With respect to claims 13, a security key provided to the remote client for presentation to the

system host to verify that the remote client is authorized to access the system host (see column 4

lines 32-67 i.e. session key).

With respect to claims 14, a security key provided to the remote client for timely presentation

to the system host to verify that the remote client is authorized to access the system host (see column

4 lines 32-42 i.e. Key server 234 creates a unique and unpredictable session key, and stores the

session key, the UID, the PWD, and key expiration criteria in key database 236).

With respect to claims 15, an address database having the network address of the system host

(see column 4 lines 32-67 i.e. Web host 210 also sends trusted network access presentation

information to client browser 110, and The user selects an access request from the trusted network

access presentation information to access trusted network 138. Client browser 110 sends the request,

for example a URL associated with the selection).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 16-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Alegre et al (U.S.

Patent 6,199,113) in view of Hull (U.S. Patent # 6,487,457). Alegre teaches everything with respect

to claim 11 above but with respect to claim 16 he does not teach a configuration module for

accessing a building automation system via the system host if the remote client is granted access to

the system host. Hull teaches teach a configuration module for accessing a building automation

system via the system host if the remote client is granted access to the system host (see Hull column

5 line 31-40 and column 6 lines 14-22). It would have been obvious at the time the invention was

made to a person having ordinary skill in the art to which said subject matter pertains to have a

remote client be able to connect to building automation system to monitor real time pricing and

change the furnace thermostat, and AC, to allow the building to take advantage of the best utility

rates (see hull column 5 line 27-59 and column 6 line 57 – column 7 line 7). Therefore one would

have been motivated to have included a configuration module for accessing a building automation

system via the system host if the remote client is granted access to the system host.

With respect to claims 17, Hull teaches wherein the configuration module is provided at the

remote client (see Hull column 6 line 57 – column 7 line 7). It would have been obvious at the time

the invention was made to a person having ordinary skill in the art to which said subject matter

pertains to have a remote client be able to connect to building automation system to monitor real time

pricing and change the furnace thermostat, and AC, to allow the building to take advantage of the

best utility rates by having the remote client have a user interface application for assessing the server

and monitoring and controlling the building subsystems (see hull column 5 line 27-59 and column 6

line 57 – column 7 line 7). Therefore one would have been motivated to have included a

configuration module for accessing a building automation system via the system host if the remote

client is granted access to the system host.

With respect to claims 18, wherein the configuration module is provided at a security host (see Hull abstract) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have a server be able to monitor real time pricing and change the furnace thermostat, and AC, to allow the building to take advantage of the best utility rates (see hull column 5 line 27-59 and column 6 line 57 – column 7 line 7). Therefore one would have been motivated to have included a configuration module for accessing a building automation system via the system host if the remote client is granted access to the system host.

With respect to claims 19, wherein the configuration module is provided for the remote client via a security host (see Hull column 6 line 57 – column 7 line 7). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have a remote client be able to connect to building automation system to monitor real time pricing and change the furnace thermostat, and AC, to allow the building to take advantage of the best utility rates by having the remote client have a user interface application for assessing the server and monitoring and controlling the building subsystems (see hull column 5 line 27-59 and column 6 line 57 – column 7 line 7). Therefore one would have been motivated to have included a configuration module for accessing a building automation system via the system host if the remote client is granted access to the system host.

With respect to claims 20, wherein the configuration module is provided for the remote client as a web application (see Hull abstract and column 6 line 57 – column 7 line 7). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have a remote client be able to connect to building automation system to monitor real time pricing and change the furnace thermostat, and AC, to allow the building to take advantage of the best utility rates by having the remote client have a browser application for

assessing the server and monitoring and controlling the building subsystems (see hull column 5 line 27-59 and column 6 line 57 – column 7 line 7). Therefore one would have been motivated to have included a configuration module for accessing a building automation system via the system host if the remote client is granted access to the system host.
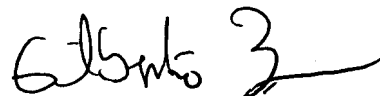
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devin Almeida
Patent Examiner
7/20/2007

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